



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,901	12/20/2001	Stephen I. Gallant	12521-102	2057

26486 7590 02/10/2005

PERKINS, SMITH & COHEN LLP
ONE BEACON STREET
30TH FLOOR
BOSTON, MA 02108

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,901	Applicant(s) GALLANT, STEPHEN I.	
	Examiner Kevin Parton	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Camhi (USPN 5,825,283).

3. Regarding claim 1, Camhi (USPN 5,825,283) teaches a method of notifying a second party with means for:

- a. Setting a timer by a first party to expire at an end time in a computer (column 10, lines 44-46; column 15, lines 15-17).
- b. If the first party fails to stop the timer prior to the expiration of the end time: (i) Activating a locator device in a wireless device carried by the first party to determine the location of the first party (column 10, lines 41-46; column 18, lines 60-65) and (ii) sending a message including a first party's location to the second party (column 10, lines 36-46; column 17, line 64 – column 18, line 3).

Art Unit: 2153

4. Regarding claim 2, Camhi (USPN 5,825,283) teaches all the limitations as applied to claim 1. They further teach means wherein the second party is a call center (column 17, line 64 – column 18, line 3).

5. Regarding claim 3, Camhi (USPN 5,825,283) teaches all the limitations as applied to claim 1. He further teaches means wherein the second party is a police authority (column 10, lines 36-46).

6. Regarding claim 5, Camhi (USPN 5,825,283) teaches all the limitations as applied to claim 1. He further teaches means for sending an alarm deactivation reminder message to the first party on the wireless device (column 10, lines 36-46; column 15, lines 15-23).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camhi (USPN 5,825,283) in view of Lemelson et al. (USPN 6,028,514).

9. Regarding claim 4, although the system disclosed by Camhi (USPN 5,825,283) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the wireless device is a wireless telephone.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Camhi (USPN 5,825,283) as evidenced by Lemelson et al. (USPN 6,028,514).

In an analogous art, Lemelson et al. (USPN 6,028,514) discloses a system for location and rescue wherein the wireless device is a wireless telephone (column 11, lines 61-64).

Given the teaching of Lemelson et al. (USPN 6,028,514), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Camhi (USPN 5,825,283) by utilizing a wireless telephone as the device carried by the user. This benefits the system by allowing for communication coverage over a wide area.

10. Regarding claim 6, Camhi (USPN 5,825,283) teaches a personal security system comprising:

- a. A computer network (column 17, line 64 – column 18, line 3).
- b. A wireless communications network and wireless communications devices connected to the wireless communications network (figure 2; column 17, line 64 – column 18, line 3).
- c. A secure server connected to both the computer network and the wireless communications network, the secure server for storing at least one alarm time and associated instructions, the secure server also having at least one timer, the secure server to obtain the location of a wireless communications device from the wireless communications

network and forward the location according to instructions if the timer is not shut off before the at least one stored alarm time (column 10, lines 36-46; column 15, lines 15-24). Note that the server software may be stored on the device.

Although the system disclosed by Camhi (USPN 5,825,283) shows substantial features of the claimed invention, it fails to disclose a database on the secure server.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Camhi (USPN 5,825,283) as evidenced by Lemelson et al. (USPN 6,028,514).

In an analogous art, Lemelson et al. (USPN 6,028,514) discloses a system for location and rescue comprising a database on the secure server (abstract; figure 1, element 10).

Given the teaching of Lemelson et al. (USPN 6,028,514), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Camhi (USPN 5,825,283) by providing a database on the server. Storing the time and instructions in a database benefits the system by allowing for simple updates of the information by the user or command center.

11. Regarding claim 7, although the system disclosed by Camhi (USPN 5,825,283) (as applied to claim 6) shows substantial features of the claimed invention, it fails to disclose means wherein the wireless communications network is a wireless telephone network and the wireless communication device is a wireless telephone.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Camhi (USPN 5,825,283) as evidenced by Lemelson et al. (USPN 6,028,514).

In an analogous art, Lemelson et al. (USPN 6,028,514) discloses a system for location and rescue wherein the wireless communications network is a wireless telephone network and the wireless communication device is a wireless telephone (column 11, lines 61-64).

Given the teaching of Lemelson et al. (USPN 6,028,514), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Camhi (USPN 5,825,283) by utilizing a wireless telephone as the device carried by the user. This benefits the system by allowing for communication coverage over a wide area.

12. Regarding claim 8, Camhi (USPN 5,825,283) teaches all the limitations as applied to claim 6. He further teaches means for sending an alarm deactivation reminder message to the wireless communications network to be forwarded to the wireless device (column 10, lines 36-46; column 15, lines 15-23).

13. Regarding claim 9, Camhi (USPN 5,825,283) teaches all the limitations as applied to claim 6. He further teaches a connection to a police authority to carry a location message in response to the stored instructions (column 10, lines 36-46).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Toy (USPN 4,554,418)
- b. Skelton et al. (USPN 6,067,018)
- c. Eschenbach et al. (USPN 6,181,253)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2153

Application/Control Number: 10/028,901
Art Unit: 2153

Page 8